

REMARKS

Claims 1-7, 11-27 and 32-37 are pending in the present Application. Claims 2 and 4 are allowed. Claims 3, 20, and 27 have been canceled, claims 1, 11, 18, 22, 25, 32, and 35 have been amended, and no claims have been added, leaving Claims 1, 2, 4-7, 11-19, 21-26, and 32-37 for consideration upon entry of the present Amendment.

Applicants gratefully acknowledge the Examiner's indication that he would allow claims drawn to 95% identity to allow for allelic variants. Accordingly, Claims 1, 11, 18, 22, 25, and 32 have been amended to claim sequences that are 95% identical to the claimed SEQ ID NOs: 1-4. Support for these amendments can at least be found in the claims as originally filed as well as in Paragraphs [0008], [0032], and [0034] as originally filed.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Information Disclosure Statement

Applicants note that the Examiner has not initialed references AG through AJ and AT through AW in the Information Disclosure Statement filed on October 10, 2003. Applicants respectfully request that the art submitted in this Information Disclosure Statement be considered and a fully initialed PTO Form A820 be returned to the Applicants.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1, 11 – 13, 15 – 16, 18, 21 – 25, 32, 34, 35 and 37 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the present claims directed to sequences having 95% identity to the claimed SEQ ID NOs satisfy the requirements of § 112, first paragraph. The Examiner has indicated that he will allow claims to 95% sequence identity. Reconsideration and withdrawal of this rejection are respectfully requested.

Objection

Claims 3, 5 – 7, 14, 17, 19 – 20, 26 – 27, 33 and 36 are objected to as being dependent upon a rejected base claim. Applicants respectfully submit that the presently amended independent claims are allowable rendering moot the objection to the dependent claims.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the objection and rejection and allowance of the case are respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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